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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,734	10/16/2003	Enrique David Sancho	2062.001US3	1773

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,734	Applicant(s) SANCHO, ENRIQUE DAVID	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-36 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

The Applicants amendment filed on April 22, 2007 is acknowledged, 32-36 and 40 remain pending. The finality of the previous Office Action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare Jr. et al. (US Patent 6,269,348) in view of *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 34,

Pare Jr. et al ('348) discloses a method for verifying a user and a user computer comprising:

receiving at a first mini-server at least one first mini-server message from the user computer, the at least one first mini-server message including a first fingerprint file; (Column 11, lines 39-42)

comparing the first fingerprint file against a second fingerprint file to verify the user computer, the second fingerprint file accessible by the first mini-server;(Column 11, lines 39-45)

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receiving at a second mini-server at least one second mini-server message from the user computer, the at least one second mini-server message including a first identification for the user; (Column 16, lines 4-28)

comparing the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the second mini-server; (Column 11, lines 39-48)

Pare Jr. et al ('348) discloses the claimed invention except for “ after the comparing of the first identification for the user against the second identification for the user to verify the user, generating a third mini-server message at the second mini-server based upon the results of the comparison “, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a third message, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 32, 33 and 40 are in parallel with claim 34 and are rejected for at least the same reasons.

As per claim 35,

Pare Jr. et al ('348) discloses a method for verifying a user and a user computer comprising:

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sending the first mini-server message to a vendor computer; and sending the second mini-server message to the vendor computer.(Column 11, lines 45-48)

As per claim 36,

Pare Jr. et al ('348) discloses a method according to claim 35 further comprising:
authorizing an action by the vendor computer only if both the first mini-server message contains information indicating the user computer was verified and the second mini-server message contains information indicating the user was verified.(Column 11, lines 39-42; Figure 6)

Response to Arguments

The Applicants arguments filed on April 22, 2007 have been fully considered.

The amended claims are rejected in view of Pare Jr. et al. (US Patent 6,269,348).

W3 The Examiner notes that although Pare Jr. et al. (US Patent 6,269,348) discloses the claimed invention the process discloses by Pare Jr. et al occurs in a different order than the claimed invention.

“Unless the steps of a method actually recite an order, the steps are not ordinarily construed to require one.” *Interactive Gift Express, Inc. v. CompuServe, Inc.*, 256 F.3d 1323, 1342, 59 USPQ2d 1401, 1416 (Fed. Cir. 2001). Not every process claim is limited to the performance of its steps in the order written. *Loral Farchild Corp. v. Sony Corp.*, 181 F.3d 1313, 50 USPQ2d 1865, 1870 (Fed. Cir. 1999).

See following rejection .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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